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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NOLAN, DANIEL A

ART UNIT PAPER NUMBER

2654

16

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/729,664

Applicant(s)

KURSH, STEVEN R.

Examiner

Daniel A. Nolan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 16.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 May 2004 has been entered.

### ***Response to Amendment***

3. The filing of 06 May 2004 was entered to the following effect:
  - Claims 16 and 18 were cancelled and the rejections withdrawn as moot.
  - Claims 1, 18, 15 and 17 were changed as indicated and examined on the merits.

### **Specification**

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).  
Correction of the following is required:

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- Claims 1 and 8 stipulate the feature “free of logging on”, which is not specified in the disclosure.
- Claims 1 and 8 stipulate the feature “free of intermediate transfer of data”, which is not specified in the disclosure.

### ***Claim Objections***

5. Claims 1, 8, 15 and 17 are objected to because of the following informalities:

- Claims 1 and 8 contain the negative term “free of” which suggests that an element is being subtracted. This is improper, and should be corrected by redrafting the claim, or the earlier claim being limited.
- Claims 15 and 17 should have the word “said” inserted before the word(s) “another” (last lines of the claims).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Stimson et al & Gorog**

7. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al (U.S. Patent 5,577,109 A) in view of Gorog (U.S. Patent 4,947,028 A).

8. Regarding claims 1 and 8 as understood by the Examiner, Stimson et al, with the invention for a pre-paid card system and method, reads on the claim for maintaining accounting data as follows:

- Stimson et al read on the step of (a) providing a database for storing desired accounting data (column 2 lines 25-29 – see column 5 line 49);
- Stimson et al read on the step of (b) using an automated voice interface to the database over a communication line, prompting a user to enter accounting data by speaking into a phone instead of keyboarding (column 4 line 57) and in a manner free of the user logging onto a global network and free of intermediate transfer of data by the user, the voice interface receiving audible signals indicative of words spoken by the user into the phone in response to said prompting (column 5 lines 43-64, where no mention is made of either logging on or intermediate data transfer);
- Stimson et al read on the feature where said prompting includes at least one of
  - (i) initiating a first call to the user,
  - (ii) asking the user to confirm information and

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- (iii) prompting for information one data point at a time such that the step of prompting provides an exchange of information between the user and the database (see column 5 lines 48, 55, column 6 lines 14-16, etc.);
- Stimson et al read on the step of (c) obtaining from the received audible signals certain accounting data corresponding to the words spoken by the user into the phone (column 5 line 48 – see column 4 lines 57-64);
  - Stimson et al does not mention storing accounting data. Gorog, with the invention for automated order and payment, reads on the step of (d) storing the obtained certain accounting data in the database (column 2 lines 54-55 – see column 3 lines 45-62). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Gorog to the device/method of Stimson et al so as to allow individuals with visual and mobility disabilities, to place orders, pay for and receive merchandise.
  - Stimson et al read on the step of (e) serving an individually targeted message to the user through the phone over the communication line (column 5 lines 60-64).
9. Regarding claims 2 and 9; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al reads on the feature that the communication line is a wireless or land telephone network (column 2 lines 41-42).

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10. Regarding claims 3 and 10; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al reads on the feature that the automated voice interface is computer implemented, (column 2 lines 41-42).

**Stimson et al, Gorog & Skinner et al**

11. Claims 4-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al in view of Gorog and further in view of Skinner et al (U.S. Patent 6,185,514 B1).

12. Regarding claims 4 and 11; the claims are set forth with the same limits as claims 1 and 8, respectively. While Stimson et al provides the ability to review data to merchants, neither Stimson et al nor Gorog stipulate peer review by users. Skinner et al (column 4 lines 58-63) reads on the feature of automatically providing accounting data stored in the database to another user. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Skinner et al to the device/method of Stimson et al & Gorog to provide information to other using individuals for review, approval and accounting.

13. Regarding claims 5 and 12; the claims are set forth with the same limits as claims 4 and 11, respectively. Where Stimson et al discloses providing financial data to a merchant, Stimson et al & Gorog do not clearly indicate that this is automatic.

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Skinner et al (column 4 lines 58-63) read on the feature that the step of automatically providing includes providing the accounting data as a function of predefined rules. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Skinner et al to the device/method of Stimson et al & Gorog to restrict access to authorized individuals.

14. Regarding claims 6 and 13; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al & Gorog do not include workflow tracking. Skinner et al reads on the feature that desired accounting data includes length of time (as in column 5 line 8), dates (column 13 line 12), project identifier (column 5 line 18), type of expense (column 20 lines 4-5), and that the data base stores desired accounting data in corresponding data fields (1706 in figure 17). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Skinner et al to the device/method of Stimson et al & Gorog to deduce the time of an operator from recorded equipment use.

**Stimson et al, Gorog & Sprague et al**

15. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al in view of Gorog and further in view of Sprague et al<sup>575</sup> (U.S. Patent 5,247,575 A).



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16. Regarding claims 7 and 14; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al & Gorog do not mention providing reports remotely. Sprague et al<sup>575</sup> (column 18 lines 12-15) provides the support for the capability (column 18 lines 49-50) that reads on the feature of retrieving accounting data from the database using the automated voice interface (of column 10 line 38). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Sprague et al<sup>575</sup> to the device/method of Stimson et al & Gorog that would provide management status on a timely basis by eliminating the delay for scheduled paper report delivery.

**Stimson et al, Gorog & Gomyo et al**

17. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimson et al in view of Gorog and further in view of Gomyo et al (U.S. Patent 5,930,772 A).

18. Regarding claims 15 and 17; the claims are set forth with the same limits as claims 1 and 8, respectively. Stimson et al & Gorog does not speak to foreign language translation. Gomyo et al (column 12 line 65 to column 13 line 3) reads on the feature of translating between languages. It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Gomyo et al to the device/method of Skinner et al to conserve space by not storing the same data redundantly, for a number of languages.

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### Conclusion

19. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, supervisor Richemond Dorvil can be reached at (703)305-9645.

The fax phone number for Technology Center 2600 is (703)872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE". Formal response to this action may be faxed according to the above instructions,

or mailed to: P.O. Box 1450  
Alexandria, VA 22313-1450

or hand-deliver to: Crystal Park 2,  
2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan  
Examiner  
Art Unit 2654

DAN/d  
May 17, 2004

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER